

PAUL W. ENGSTROM  
LEE G. LIPSCOMB  
WALTER J. LACK  
JERRY A. RAMSEY  
STEVEN C. SHUMAN  
ELIZABETH LANE CROOKE  
BRIAN D. DEPEW  
GARY A. PRAGLIN  
ROBERT J. WOLFE  
DANIEL G. WHALEN  
BRIAN J. HEFFERNAN  
ADAM D. MILLER  
RICHARD P. KINNAN  
PAUL A. TRAINA  
ROBERT T. BRYSON  
BRIAN J. LEINBACH

LAW OFFICES  
**ENGSTROM, LIPSCOMB & LACK**  
A PROFESSIONAL CORPORATION  
10100 SANTA MONICA BOULEVARD, 12<sup>TH</sup> FLOOR  
LOS ANGELES, CALIFORNIA 90067-4107  
Telephone 310-552-3800  
Facsimile 310-552-9434

ANN A. HOWITT  
MARK E. MILLARD  
JARED W. BEILKE  
STEVEN J. LIPSCOMB  
ELIZABETH HERNANDEZ  
BRYAN C. PAYNE  
GREGORY P. WATERS  
ALEXANDRA J. THOMPSON  
THU T. PHAM  
EDWARD P. WOLFE  
JOSEPH A. LACK

GLORIA S. WELLER  
DIRECTOR OF ADMINISTRATION

JOHN ALVA  
LITIGATION SUPPORT

December 2, 2009

Magistrate Judge Bernard Zimmerman  
United States District Court  
Northern District of California  
Courtroom G, 15<sup>th</sup> Floor, Federal Building  
450 Golden Gate Avenue  
San Francisco, CA 94102

Re: **Gund v. Pratt & Whitney Canada Corp. –**  
**Order Scheduling Settlement Conference**  
Case No. C07-4902 TEH (BZ), consolidated with  
C08-3795 TEH (BZ)

Dear Magistrate Zimmerman,

The parties received the Court's Order Scheduling Settlement Conference in the *Gund v. Pratt & Whitney Canada Corp., et al* matters, setting a Settlement Conference for Tuesday, December 15, 2009. At the Case Management Conference before Judge Henderson, we agreed with the Court that the parties would attempt to settle the case, using a private mediator (likely during the Spring of 2010), and if the matter did not settle, then we would take advantage of a settlement conference before Your Honor (during late July, early August 2010). Defendant *Pratt & Whitney* and the *Kells* and *Ruetz* plaintiffs have also discussed the issue and agree that further discovery should be completed in order for a settlement conference to be productive, and therefore believe that a December settlement conference is premature.

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As such, we respectfully request that the Settlement Conference be continued to a date that is convenient for the Court in late July / early August 2010. We are available to discuss this matter if the Court would like us to set up a conference call at the Court's convenience.

We look forward to hearing from the Court.

Respectfully submitted,

*/s/ Stuart R. Fraenkel*

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Stuart R. Fraenkel  
**Kreindler & Kreindler LLP**  
Counsel for Kells & Ruetz Plaintiffs

*/s/ Elizabeth L. Crooke*

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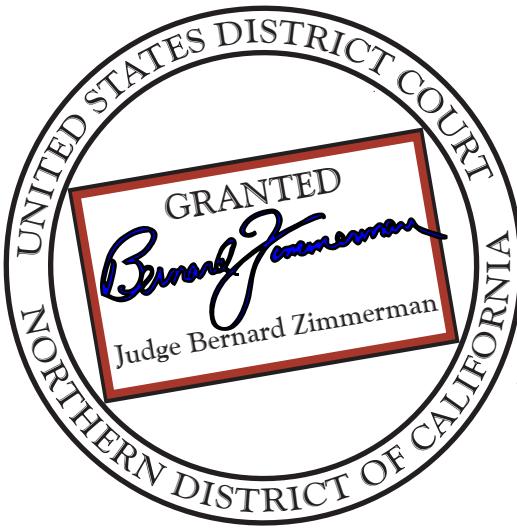
Elizabeth L. Crooke  
Mark E. Millard  
**Engstrom, Lipscomb & Lack**  
Counsel for Gund Plaintiffs

*/s/ Garth W. Aubert*

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Garth W. Aubert  
**Mendes & Mount, LLP**  
Counsel for Defendant Pratt & Whitney  
Canada Corp.

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The settlement conference presently scheduled for December 15, 2009 is continued to **July 27, 2010 at 9:00 a.m.** The Court's previous Order remains in full force and effect. Settlement conference statements are due seven (7) days prior to the settlement conference. The parties shall notify the Court immediately if the case settles prior to the settlement conference date.  
Dated: 12/3/2009